

### **REMARKS**

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 16-24 will be pending. By this amendment, claims 1-9 have been canceled; and claims 16-24 have been added. No new matter has been added.

#### **Objections to the Specification**

In Section 1 of the Office Action, the disclosure is objected to for informalities. The Specification has been amended, thereby obviating the objection. Accordingly, it is respectfully requested that this objection be withdrawn.

#### **§112 Rejection of Claims 1-9**

In Section 3 of the Office Action, claims 1-9 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

Claims 1-9 have been canceled, thereby rendering the rejection of claims 1-9 moot.

Accordingly, it is submitted that this rejection has been overcome, and so withdrawal thereof is respectfully requested.

#### **§102 Rejection of Claims 1-9**

In Section 5 of the Office Action, claims 1-9 stand rejected under 35 U.S.C. §102(e) as being unpatentable over Sugiyama et al. (U.S. Patent 5,923,486; hereinafter referred to as "Sugiyama").

Claims 1-9 have been canceled, thereby rendering the rejection of claims 1-9 moot.

Accordingly, it is submitted that this rejection has been overcome, and so withdrawal thereof is respectfully requested.

Newly-added Claims 16-24

In the Background section of the Specification, it was disclosed that “the conventional reproducing apparatus in which encoded data read from the recording medium is decoded can support only a decoding method based on program data previously stored in the ROM. To support the above described various and upgraded encoding methods, the ROM has to be exchanged or its contents has to be renewed, which will require much time and expense since the user has to bring the reproducing apparatus to a service station or the like.” *Background of the Specification, page 2, lines 12-18.*

To address the above-described shortcomings of the conventional reproducing apparatus, embodiments of the present invention provide recording and reproducing apparatus and methods in which data encoded can be decoded easily and inexpensively. For example, the steps of method claim 16 include:

*receiving* audio/video data to be written to a recording medium;

*encoding* said audio/video data using a given encoding method;

*receiving* a decoding program, wherein said decoding program is configured in a reverse process from said given encoding method such that said decoding program is capable of decoding said encoded audio/video data; and

*writing* both said encoded audio/video data and said decoding program onto said recording medium.

(emphasis added)

Accordingly, in one aspect of the present invention, both the encoded audio/video data and the decoding program (for decoding encoded audio/video data) are written onto the recording medium.

Sugiyama, however, addresses storing different kinds of information as copyright protective information (col. 8, ll. 13-29; col. 11, ll. 4-14). It does not appear that Sugiyama address writing both the encoded audio/video data and the decoding program onto the recording medium.

Based on the foregoing discussion, claim 16 should be allowable over Sugiyama. Since independent claims 19-24 closely parallel, and recite substantially similar limitations as recited in, independent claim 16, claims 19-24 should also be allowable over Sugiyama. Further, since claims 17 and 18 depend from claim 16, claims 17 and 18 should also be allowable over Sugiyama.

#### Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 16-24 is respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes

were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

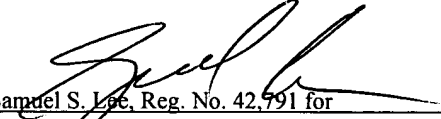
In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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